

MANATEE COUNTY ZONING ORDINANCE
PDI-06-41(Z)(P) – MAUS / 33RD STREET INDUSTRIAL PARK

2007 NOV 15 PM 3: 29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,
AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE
MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING
WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING
OF APPROXIMATELY 4.94 ACRES AT 6011 33RD STREET EAST,
BRADENTON FROM THE A-1 (SUBURBAN AGRICULTURE, 1 DWELLING
UNIT PER ACRE) ZONING DISTRICT TO THE PDI (PLANNED
DEVELOPMENT INDUSTRIAL) ZONING DISTRICT, APPROVING A
PRELIMINARY SITE PLAN FOR A 59,500 SQUARE FOOT MINI-WAREHOUSE
SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING
FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR
SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Paul Maus (the "Applicant") has filed a rezone application to rezone approximately 4.94 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDI (Planned Development Industrial) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application for 59,500 square feet of mini-warehouses, (the "Project") to be located upon the Property; and

WHEREAS, Planning staff recommended approval of the rezone and Preliminary Site Plan applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on October 11, 2007 to consider the rezone, and Preliminary Site Plan applications, received the Planning Staff's recommendations and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the rezone and Preliminary Site Plan applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations contained in the Planning staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDI (Planned Development Industrial) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on November 1, 2007, regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 59,500 square feet of mini-warehouse uses upon the Property subject to the following Stipulations:

STIPULATIONS

1. The developer shall provide an easement to Manatee County to accept stormwater for the right-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.
2. The roadside ditch shall be piped along the project frontage of 33rd Street East.
3. Any fill within the 25-year or 100-year floodplains of the Pearce Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
4. There shall be a full 25-year attenuation on all stormwater ponds within the development.
5. The existing 25-year flood elevation along the Pearce Drain shall be utilized as tailwater condition.
6. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
7. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

8. Based on the Phase I and partial Phase II Environmental Site Assessment, this site appears to contain contamination that requires remediative or mitigative measures. The Final Site Plan shall clearly delineate the extent of the contamination. Prior to FSP approval, a remediation or mitigation plan shall be approved by the Environmental Management Department and all appropriate state and federal agencies. All remediation or mitigation activities shall be completed and appropriate documentation of completion shall be provided to the Planning Department prior to commencement of construction.
9. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).
10. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
11. An ERP approved by SWFWMD shall be provided to the NRD for review prior to Final Site Plan approval.
12. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply for irrigation shall be prohibited.
13. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.
14. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
15. The project will be served by county water and county sewer.
16. A permit for the water distribution system is required from the Health Department prior to start of construction.
17. Abandoned septic tanks shall be pumped out, bottoms ruptured, and filled with clean sand or other suitable material.
18. The proposed sidewalk shall be installed at existing grade or as an elevated boardwalk in order to avoid severing the root system of the existing 39" live oak. Details of the sidewalk shall be provided on and approved with the Final Site Plan.
19. The applicant shall utilize stem wall construction or similar methods to construct the proposed building at the west end. This will ensure the dripline of the 39" live oak will not be compromised by fill dirt or other invasive construction activities.
20. All deliveries and loading shall be prohibited between 10 p.m. and 6 a.m.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the Property identified in Exhibit "A" herein from the A-1 (Suburban Agriculture, 1 dwelling unit per acre) zoning district to the PDI (Planned Development Industrial) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. SEVERABILITY. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6 EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 1st day of November, 2007.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



BY:


Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

BY:

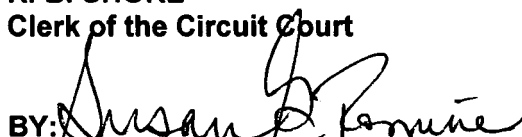

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

**THE SOUTH 1/4 OF THE WEST 2/3 OF THE NORTH 3/4 OF THE S.W. 1/4 OF THE S.E. 1/4
OF SECTION 17, TWR 35S, RGE. 18E MANATEE. CO., FLA. , LESS MAINTAINED RIGHT-
OF-WAY ALONG THE WEST LINE FOR 33rd STREET EAST; CONTAINING 5.00**



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 2nd day of

November, 2007

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



FILED FOR RECORD
R. B. SHORE

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

November 8, 2007

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 2, 2007 and certified copies of Manatee County Ordinance No. 07-09, PDI-06-41(Z)(P), PDMU-06-61(P) and PDR-05-51(Z)(P), which were filed in this office on November 7, 2007.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

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COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
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STATE ARCHIVES OF FLORIDA
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LEGISLATIVE LIBRARY SERVICE
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RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
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